

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICOMAY 26 2016
VIAMATTHEW J. DYKMAN
CLERK

Stephen R. Jackson
 Name
10807 N. County Rd. 2100
 Lubbock, TX 79415
 Address

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Stephen Ray Jackson, Plaintiff
 (Full Name)

CASE NO. 16 CV 490 KK
 (To be supplied by the Clerk)

v.
 Sara Ray French, Defendant(s)
 Don E. French
 Thomas J. Fiechtel

CIVIL RIGHTS COMPLAINT
 PURSUANT TO 42 U.S.C. §1983

A. JURISDICTION

1) Plaintiff Stephen R. Jackson, is a citizen of Texas
 (Name of first defendant) (State)
 who presently resides at 10807 N. County Road 2100,
 (Mailing address or place of confinement)
Lubbock, Texas 79415

2) Defendant Sara Kay French is a citizen of
 (Name of first defendant)
Albuquerque, New Mexico, and is employed as
 (City, State)
unknown. At the time the claim(s)
 (Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state law?

Yes No If your answer is "Yes", briefly explain:

3) Defendant Don E. French is a citizen of
(Name of second defendant)
Albuquerque, New Mexico, and is employed as
(City, State)
unknown At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of state.
Yes No If your answer is "Yes", briefly explain:

(Use the back of this page to furnish the above information for additional defendants.)

(Over)

4) Jurisdiction is invoked pursuant to 28 U.S.C. §1333(3), 42 U.S.C. §1983. (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Defendants concealed from Plaintiff facts relative to the estate of Vena Irene Fiecht. Having accomplished this, income from that estate due the Plaintiff has been illegally consumed by Defendants Sara Kay French, Don E. French. Plaintiff has suffered loss of income and enjoyment of property directly as a result of Defendant's misappropriation of estate proceeds and property.

C. CAUSE OF ACTION

1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I Plaintiff has suffered loss of enjoyment of property and lost income directly as a result of Defendants Sara Kay French's and Don E. French's misappropriation of items in the estate and failure to reimburse the Plaintiff for rents due on the property at 10113 Propps Dr. NE, Albuquerque, NM 87112.

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Defendant Sara Kay French has occupied the residential property 10113 Propps Dr. NE, Albuquerque, NM 87112 since the death of Vena Irene Fiechil (mother of Plaintiff and his stepsister Sara Kay French and stepbrother Don E. French also residing at this residence). Defendant Thomas J. Fiechil has acted to support the theft; allowing the other two Defendants occupancy as he is a 50% heir to the property and by providing illegal documentation in the form of a "quit claim deed" from Texas granting them 50% interest in property there, in which he had no standing as that property was purchased by the deceased before her acquaintance and eventual marriage to him (Thomas J. Fiechil).

B)(1) Count II

(2) Supporting Facts:

C)(1) Count III:

(2) Supporting Facts:

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

None

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?
Yes No If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: _____

Defendants: _____

b) Name of court and docket number:

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

d) Issues raised: _____

e) Approximate date of filing lawsuit: _____

f) Approximate date of disposition: _____

2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes No If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

E. REQUEST FOR RELIEF

1) I believe that I am entitled to the following relief:

1. Reimbursement for lost rental income from property located at 10113 Propps Dr. NE Albuquerque, NM 87112 beginning March 2007 to and including a date of disposition by the court.
2. Interest on missing rental income from the property included in the estate at the rate of 10% compounded monthly beginning March 2007.
3. Punitive damages equal to the total monetary amount of Items 1 and 2 above.

(over)

Signature of Attorney (if any)

Signature of Petitioner

Attorney's full address and telephone number.

beginning March 2007.

3. Punitive damages equal to the total monetary amount of items 1 and 2 above.

4. In the event the property has been liquidated prior to this court's decision;

Plaintiff requests compensation in the total monetary amount of items 1 - 3

above.

**5. Plaintiff be awarded administrative duties and management of the estate's
property.**

**6. Verifiable accounting of the estate furnished to Plaintiff by Defendants within
30 days of disposition of this action.**

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at

Lubbock, TX

on

05/23/2016

(Date)

Stefan J. Jankowski
(Signature)

JS 44-TXND (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Stephen R. Jackson
10207 N. County Rd. 2100
Lubbock, TX 79415
(c) Attorneys (Firm Name, Address, and Telephone Number)
pro se

DEFENDANTS Sara Ray French1. 10113 Proggs Dr NE 87112
Albuquerque, NM
County of Residence of First Listed DefendantBernalillo2. Don E. Fremel10113 Proggs Dr NEAlbuquerque, NM 87112 (Def. III)
87112 (over)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

PTF	DEF	PTF	DEF
<input type="checkbox"/> Citizen of This State	<input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> Citizen of Another State	<input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> REAL PROPERTY <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/ Disabilities - Employment <input type="checkbox"/> 446 Amer. w/ Disabilities - Other <input type="checkbox"/> 448 Education	<input type="checkbox"/> CIVIL RIGHTS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> FORFEITURE/PENALTY LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation
---	---	--	---	--	---

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 1983

Brief description of cause:

to recover monetary damages

VI. CAUSE OF ACTION

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.CHECK YES only if demanded in complaint:
JURY DEMAND: Yes NoVII. REQUESTED IN COMPLAINT:
IF ANY

(See instructions): JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

(pro se plaintiff)

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Jackson
10807 N. County Rd 2100
Lubbock, TX
79415



RECEIVED
At Albuquerque NM

MAY 26 2016

MATTHEW J. OYKMAN
C. SEC



U.S. Dist. Ct. - Dist. N.M.
Office of the Clerk
Suite 270
333 Lomas Blvd.
Albuquerque NM - 87102